

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

Order No. 78-57
NPDES No. CA 0037842

AN ORDER AMENDING ORDER NO. 77-107
TO ADOPT A REVISED COMPLIANCE TIME SCHEDULE FOR:

Cities of San Jose and Santa Clara
San Jose/Santa Clara Water Pollution Control Plant
Santa Clara County

The California Regional Water Quality Control Board (hereinafter Board), San Francisco Bay Region, finds that:

1. This Board adopted Order No. 77-107 on July 19, 1977 prescribing waste discharge requirements for the Cities of San Jose and Santa Clara (hereinafter discharger). Order No. 77-107 contains a compliance time schedule prohibiting the present and future discharge of wastes to waters of South San Francisco Bay or its tributaries South of Dumbarton Bridge. This prohibition implements the Board's adopted Water Quality Control Plan for the San Francisco Bay Basin and the State Board's Policy for Enclosed Bays and Estuaries.
2. The Board also adopted Order No. 77-108, an Enforcement Order for Issuance of a Time Schedule, on July 19, 1977 prescribing a compliance time schedule for the construction of required tertiary facilities.
3. The discharger and the Cities of Sunnyvale and Palo Alto are members of the joint powers authority named the South Bay Dischargers Authority (SBDA). The SBDA is the lead agency for the construction of necessary facilities, such as a joint outfall north of Dumbarton Bridge for all three member agencies and is preparing an Environmental Impact Statement (EIS) for the proposed project. The SBDA is also investigating the possibility of requesting an amendment to the Basin Plan and State Policy to allow treated wastes to be discharged to San Francisco Bay south of Dumbarton Bridge. This SBDA proposal has required lengthy and extensive water quality sampling and modelling which has delayed the completion and circulation of the Draft EIS. These delays are reasonable considering the magnitude of the proposed project and the potential short and long term impacts on the water quality of South San Francisco Bay.
4. The issuance of revised waste discharge requirements for this discharge is exempt from the provisions of Chapter 3 (commencing with Section 21000) of Division 13 of the Public Resources Code in accordance with Water Code Section 13389.
5. The Board has notified the discharger and interested agencies and persons of its intent to prescribe revised requirements for the discharger.
6. The Board, in a public meeting, heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED that the Board amends Order No. 77-107, Provision E.2.b., to read as follows:

Provision E.2.b.

"...

- b. Compliance with Prohibition A.1 (prohibiting waste discharge to San Francisco Bay South of the Dumbarton Bridge).

<u>Task</u>	<u>Completion Date</u>	<u>Report of Compliance Due</u>
Cities of San Jose and Santa Clara sign draft EIS	August 11, 1978	August 25, 1978
Issue Draft EIS	September 20, 1978	October 4, 1978
Issue Final EIS and submit a time schedule to comply with Prohibition A.1. If the discharger in its Final EIR/EIS recommends a project not in compliance with the Basin Plan, the discharger shall submit a petition to the Regional Board along with the Final EIR/EIS requesting those exceptions and/or amendments to the Basin Plan needed for the discharger's recommended project to achieve compliance. The discharger's petition shall also contain the rationale for the proposed exceptions and/or amendments either directly or by reference to the Final EIR/EIS.		
	March 15, 1979	March 30, 1979"

I, Fred H. Dierker, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on July 18, 1978.

FRED H. DIERKER
Executive Officer